

Protection in Europe for refugees from Syria

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This policy note provides an executive summary of an accompanying policy briefing¹ which considers the response of European countries to the refugee crisis in the Syrian region. The policy briefing provides an overview of the European reaction generally, summaries of the responses of selected countries (Germany, Sweden, Norway, Bulgaria, Greece and Italy), and a more in-depth case study of the UK. This research supplements a report supervised by Susan Akram at Boston University School of Law, 'Protecting Syrian Refugees: Laws, Policies, and Global Responsibility Sharing' (the Akram report).

In agreement with the Akram report, we stress that the refugee crisis relates not only to Syria, but is a *regional* refugee crisis. Lebanon, Turkey, Jordan, Iraq and Egypt currently host approximately 96% of the more than 2.8 million registered refugees from Syria, in addition to thousands more refugees from Palestine, Iraq, Iran and other countries. Significant numbers of these refugees resided in the region prior to the civil war in Syria and have been awaiting resettlement for years. The countries neighbouring Syria, which are overwhelmed by this refugee crisis, need and deserve greater solidarity from Europe, and we emphasise the urgency of addressing the protection needs of non-Syrian refugees in the region as well as Syrian refugees.

¹ Cynthia Orchard and Andrew Miller 'Protection in Europe for refugees from Syria' (RSC Forced Migration Policy Briefing 10, 2014) <www.rsc.ox.ac.uk/publications/protection-refugees-syria>

With the exception of Germany's exemplary humanitarian admission programme and private sponsorships, and a few other limited initiatives, the primary aim of the European response has been to contain the crisis in the countries neighbouring Syria – with some European countries investing significant funding in the provision of humanitarian aid – and to reinforce Europe's borders. Although numerous European countries have initiated resettlement, humanitarian admission, or expanded family reunification programmes for Syrians, the numbers allowed entry under most countries' programmes are low. The response of some countries is particularly worrying. For example, in Greece and Bulgaria, the European countries closest to Syria and theoretically most accessible to refugees from the region, there have been credible allegations of asylum seekers being forcibly removed without assessment of their claims for international protection; being beaten or otherwise mistreated by authorities; being detained without just cause in inappropriate and/or unlawful conditions; and being denied access to sufficient food and medical care. Encouragingly, there are some signs of improvement, but much work remains to be done by these and other European countries and institutions. Together, they must ensure that adequate support is provided for those countries which, due to economic crises and/or drastic increases in the number of requests for asylum, are struggling to provide adequate protection.

In 2013 and 2014, some European countries responded to UNHCR's call for more resettlement or humanitarian admission for Syrian refugees. Leading the way, Germany pledged admission to 20,000 refugees from Syria via its Temporary Humanitarian Admission Programme, through which approximately 6000 refugees had arrived in Germany by mid-2014. In addition, German states have approved approximately 5500 admissions through private sponsorships. As of 2014, the pledged or actual admissions for refugees from Syria to all other European countries remain appallingly low; there are approximately 6300 places pledged for resettlement or humanitarian admission throughout the rest of Europe. Although some countries such as Ireland and Switzerland have implemented expanded family reunification programmes for Syrians, both these programmes were limited in duration and are now closed. Some European countries also have regular resettlement programmes but they process relatively low numbers of refugees. (The annual quotas currently total 6247 for all European resettlement programmes.) Furthermore, in recent years the actual number of arrivals has not fulfilled the annual quota for some countries, and many of the annual quota resettlement places will be allocated to refugees residing in other parts of the world.

Our report highlights the UK because it leads Europe in its humanitarian aid in response to the Syrian crisis and has created a new resettlement programme for Syrians, the Vulnerable Persons Relocation (VPR) Scheme, as well as introducing concessions for Syrians outside the immigration rules. However, the VPR Scheme currently aims to resettle only a few hundred Syrian refugees over the next three years; the concessions will likely have a limited impact; and the UK has not reacted with any *ad hoc* special asylum programme to afford protection to refugees from the region who make their own way to the UK. Thus, the UK's response reflects the general tendency to contain the crisis in the Syrian region and to make only minimal efforts to increase admission for refugees.

Whilst we applaud both the humanitarian efforts to assist refugees in the countries neighbouring Syria and the resettlement that is ongoing, we believe that containment of the refugee crisis in the Syrian region is unsustainable. Without an imminent end to the armed conflict in Syria, it is unlikely that refugees will be able to return home safely in the near future. Local integration is generally not possible in the neighbouring countries, primarily because they are overwhelmed by the numbers of refugees who have already crossed their borders.

In signing the 1951 Convention and/or the 1967 Protocol Relating to the Status of Refugees as well as various European asylum instruments, European countries have implicitly acknowledged the moral,

humanitarian, and practical imperative of offering protection to refugees within their territories. We advocate for European countries to open their doors to more refugees, and particularly, to expand safe and legal routes of entry into Europe.

Recommendations

Significantly expanded resettlement programmes offering permanent residence outside the countries neighbouring Syria would be the best option for refugees. However, given the unlikelihood of expansion of resettlement on a mass scale and in agreement with the Akram report, we recommend that European countries implement a Comprehensive Plan of Action for refugees in the countries neighbouring Syria. This should comprise three main components: activation of a regional temporary protection regime, expanded resettlement, and the development of other legal routes of entry into European countries. In addition, we propose that UNHCR, governments and NGOs expand public education campaigns to combat anti-immigrant sentiment, emphasising the contributions refugees make to their host countries as well as the life-threatening situations from which they have fled.

1. **Expand humanitarian admission/temporary protection:** Preferably as part of a region-wide, coordinated programme, European countries should significantly expand their humanitarian admission/temporary protection regimes for refugees (of any nationality or stateless) to allow them to enter Europe from the countries neighbouring Syria. Germany's example could be followed and expanded upon, and/or the EU Temporary Protection Directive could serve as a model. Although temporary protection does not provide as much long-term security for refugees as resettlement, it may be easier to implement for political reasons, and it serves the aim of getting refugees to a place of safety as well as the aims of solidarity and responsibility sharing.
 - In accordance with the Temporary Protection Directive, beneficiaries of temporary protection should have the right to claim asylum.
 - Temporary protection should continue until it is actually safe for refugees to return to their country of origin.
 - Beneficiaries of temporary protection should have the right to family reunification with, at a minimum, their immediate family members, and whenever practicable, consideration should be made for other family members.
2. **Expand resettlement:** European countries should significantly expand resettlement programmes allowing entry into Europe for refugees currently in the countries neighbouring Syria, with particular focus on clearing the backlog of refugees (of any nationality) already approved for resettlement.
 - Resettlement should be prioritised based on the urgency of the need for resettlement (protection needs and vulnerabilities) and the length of time waiting for resettlement, with attention to the criteria of the country offering resettlement and principles of family unity.
 - Resettlement should ideally be coordinated through UNHCR, which has the expertise and ability to process large numbers of applicants.
 - The EU should take an active coordinating role in encouraging a region-wide resettlement programme, providing increased logistical and financial support to countries which require it.
3. **Develop alternative legal routes for refugees:** European countries should explore alternative legal routes of admission into Europe for refugees in the countries neighbouring Syria, such



as expanded family reunification, student scholarships, academic fellowships, employment or training programmes, and private sponsorships. These programmes offer many benefits in addition to protection for refugees, among them: funding may be split with private organisations; refugees benefit by doing something of value to themselves and potentially their home country or host country; and they help prevent a generation of young people from missing educational and other opportunities. The principle of family unity should also be considered and incorporated into these programmes wherever possible, and reasonable access to diplomatic missions must be ensured (which does not require refugees to make dangerous or expensive journeys). Alternative routes could be combined with concessions to the regular immigration rules to facilitate entry of refugees.

- Governments could explore partnerships with educational institutions which might be able to accept students on scholarships, with costs split between governments and those institutions. Governments could contribute to existing programmes such as the Albert Einstein German Academic Refugee Initiative (DAFI) or develop similar scholarship programmes specific to their own countries.
- Governments could consider the German and Canadian models of private sponsorship and design locally suitable programmes in collaboration with UNHCR.
- Governments and UNCHR could explore the possibilities of private employment sponsorship and partnerships with businesses.

These recommendations build on existing laws, policies, practices, and historical examples of expanded temporary protection regimes in Europe. Furthermore, current practices in Germany and Turkey (see the Akram report) demonstrate that the proposed measures are well within the possibilities of European countries.